

Draft Environmental Assessment North Shore Wildlife Management Area Agricultural Lease



(April 23, 2021)



Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife and Parks (FWP) proposes to renew an agricultural lease on the North Shore Wildlife Management Area (WMA). The proposed lease would be for a 5-year period (September 15, 2021 – September 15, 2026). The objective of the proposed lease is to provide enhanced wildlife habitat for upland game birds and to continue supporting migratory waterfowl use during spring migration.

2. Agency authority for the proposed action:

FWP has the authority under Section 87-1-210 MCA to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and into the future. In addition, in accordance with the Montana Environmental Policy Act, FWP is required to assess the impacts that any proposal or project might have on the natural and human environments. Further, FWP's land lease-out policy, as it pertains to the disposition of interests in Department lands (87-1-209) requires an Environmental Assessment (EA) be written for all new agricultural leases or lease renewals.

3. Anticipated Schedule:

April 23, 2021: Begin 21-day public comment period
May 13, 2021: End 21-day public comment period
May 20, 2021: Release the Decision Notice
June 24, 2021: Fish and Wildlife Commission final consideration
September 15, 2021: Agricultural lease starts
September 15, 2026: Agricultural lease expires

4. Location affected by proposed action (county, range and township):

The North Shore WMA in northwest Montana is located southeast of the city of Kalispell on the north shore of Flathead Lake adjacent to a U.S. Fish and Wildlife Service Waterfowl Production Area (Figure 1). The North Shore WMA comprises 429 acres in Township 27N, Range 20W northern portions of Section 21 and 22, Flathead County. This proposal affects only the 350 acres of cropland (Appendix A)

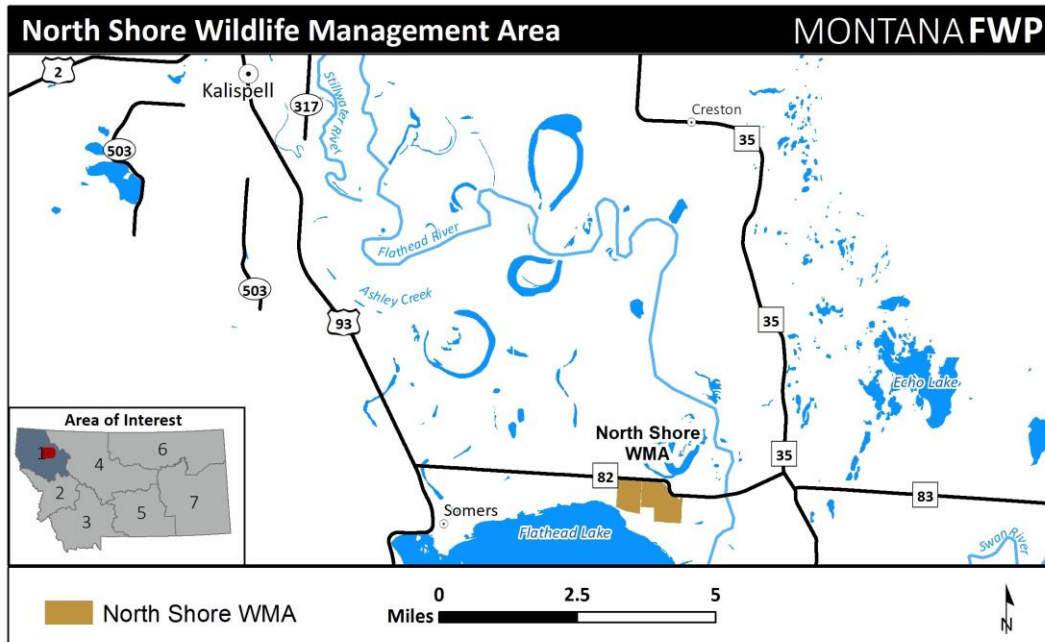


Figure 1. North Shore WMA in northwest Montana is located southeast of Kalispell along the shore of Flathead Lake in Flathead County.

5. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>0</u>	Dry cropland	<u>350</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

7. Permits, Funding & Overlapping Jurisdiction.

- (a) **Permits:** None required
- (b) **Funding:** There would be no cost to the agency to continue to lease the property
- (c) **Other Overlapping or Additional Jurisdictional Responsibilities:** None

8. Narrative summary of the proposed action:

The proposed action is to renew an agricultural lease agreement on the North Shore WMA with the existing lessee. Lease terms permit the lessee to cultivate and retain 80% of the harvest, leaving 20% standing for the benefit of wildlife, primarily migratory waterfowl and upland game birds. Agriculture was identified by the 2018 WMA Management Plan as a primary tool for achieving management objectives, including:

- providing resting and re-fueling habitat for migratory waterfowl during their spring migration;
- promoting habitat for upland game birds, songbirds, and other non-game bird species; and
- providing public opportunities for outdoor recreation, primarily in the form of hunting and bird watching.

The fields in the proposed project area were in agricultural production prior to WMA acquisition. The proposed action would be limited to these fields (Appendix A) and continue the management prescription of production crops in the already established fields. Details and terms of the North Shore WMA agricultural lease are described in Appendix B.

9. Description and analysis of reasonable alternatives:

Alternative A: No Action: Agricultural lease would not be renewed and prime agricultural lands would not be cultivated. This alternative would require FWP to commit resources to manage weeds on the previously cultivated 350 acres of farm fields. Migratory waterfowl would be negatively impacted by the lack of food resources to fuel their migration. Other wildlife, including upland game birds, would decline due to loss of forage and cover.

Alternative B: Proposed Action: Agricultural lease would be renewed for 350 acres of cropland. Wildlife, particularly waterfowl, would benefit from forage and cover created in the farmed areas especially in unharvested areas left for wildlife. The lessee, FWP and sportsmen would mutually benefit through the share-crop agreement.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X			1b
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1b. Farming activities can have both positive and negative impacts on soil structure and composition. The proposed activities are not expected to reduce soil productivity or fertility. The current lessee has demonstrated initiative to soil health and has fulfilled all conditions/stipulations of previous lease agreements using commonly accepted agricultural practices.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X			2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		N/A				

2a. Under the Proposed Action, there would be minor impacts to air quality from farm equipment emissions and possibly spring burning of residual grain stubble.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		x				

Renewing the lease would not result in any changes or impacts to surface water, ground water, runoff or other water rights.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		N/A				
g. Other:		X				

4a. The fields proposed for cultivation have been used for agricultural production for several years. Continuing the agricultural lease for this area would have no net change on the vegetation diversity.

4e. The project area would be monitored for new or spreading weed infestations by FWP area biologist, the lessee, and Flathead County Weed District personnel. The lessee would be responsible for weed control.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X Positive			5b
c. Changes in the diversity or abundance of nongame species?			X Positive			5c
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)			X Positive			5h
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5b./5c. The primary purpose of the proposed lease is to provide food and habitat for waterfowl during their spring migration and winter food resource for wildlife. Winter is generally considered the season when food is most limited for many wildlife species. For waterfowl, spring migration is a critical time when birds seek high energy food sources to fuel migration and egg production. Ensuring the availability of these food sources at critical times of the year helps support the abundance and density of game birds and waterfowl. Nongame species likewise benefit from additional food resources and cover

5h. No Threatened or Endangered species likely use this property consistently; however, one management goal is to protect the area's surface and ground water to benefit water quality in Flathead Lake, which will ultimately benefit bull trout in Flathead Lake.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

The proposed action would have no effect on existing noise or electrical effects.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

The proposed action would continue agricultural use of this portion of the WMA and would not conflict with other uses of the WMA (i.e. hunting, fishing, boating, hiking, etc.).

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

The proposed action would not increase risks of health hazards at the WMA.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

The proposed action would not impact local communities, increase traffic hazards, or alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		N/A				10e
f. Define projected maintenance costs.		N/A				10f

The proposed action would have no impact on public services/taxes/utilities.

10b. FWP is required by law to pay property taxes on department lands owned in fee title in an amount equal to a private individual. This project would not affect the tax base.

10e/f. There is no projected revenue for FWP. The lessee would be allowed to cultivate and harvest up to 80% of cultivated acres for his possession and use. The lessee would be required to leave a minimum of 20% of the cultivated acres unharvested for wildlife use as payment in full to FWP. Maintenance costs to FWP would remain reduced because the lessee would be responsible for much of the project implementation and maintenance.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		N/A				

The location of the proposed action has been used for the cultivation of crops for numerous years. The continuation of the agricultural lease would not expand the cultivation footprint within the WMA or interfere with existing recreation activities on the WMA.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		N/A				

No impacts to cultural or historical resources are anticipated.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		N/A				
g. For P-R/D-J, list any federal or state permits required.		X				

The proposed lease renewal is a continuation of the ongoing management of the WMA for the benefit of wildlife and public opportunities. The proposed action would not result in impacts that are cumulative to other separate resources. No public controversy is anticipated.

PART III. NARRATIVE EVALUATION AND COMMENT

Since acquisition, FWP has used an agricultural lease as a management tool to enhance wildlife habitat, public hunting opportunities, and manage noxious weeds on the North Shore WMA. This is consistent with management strategies identified in the North Shore WMA Management Plan. The proposed agricultural lease would be used to maintain vegetation diversity and provide forage primarily for migratory waterfowl, upland game birds, and white-tailed deer. This proposed action is not expected to have significant or cumulative impacts on the physical or human environment. The proposed action is expected to benefit wildlife habitat and populations on the WMA and would be evaluated and incorporated in future management on the North Shore WMA.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: *Flathead Beacon*, *Bigfork Eagle* and *Daily InterLake*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, which can be mitigated.

2. Duration of comment period:

The public comment period will extend for (21) twenty-one days. Written comments will be accepted until 5:00 p.m., May 13, 2021 and can be mailed or emailed to the addresses below:

North Shore WMA Agricultural Lease
c/o/ Franz Ingelfinger
Montana Fish, Wildlife & Parks
490 North Meridian RD
Kalispell, MT 59901

or Email comments to:
fingelfinger@mt.gov

PART V. EA PREPARATION

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?**

No, an EIS is not required. It has been determined that no significant impacts to the physical and human environment would result due to the proposed action alternative, nor would there be significant public controversy over the proposed action; therefore, an EIS is not required.

- 2. Person(s) responsible for preparing the EA:**

Franz Ingelfinger, FWP Wildlife Biologist
490 North Meridian Rd
Kalispell, MT 59937
406-751-4580

- 3. List of agencies or offices consulted during preparation of the EA:**

Montana Fish, Wildlife & Parks
Parks Division
Wildlife Division
Fisheries Division

Montana State Historic Preservation Office (SHPO) was consulted on the original EAs for the acquisition of the WMA which included the proposal to continue agricultural production.

APPENDICES

- A. Legal Description
- B. Use of Premise and Special Conditions

APPENDIX A: Legal Description

That portion of approximately 350 acres, on which have been previously cultivated, on the Montana Fish, Wildlife and Parks (FWP) owned North Shore Wildlife Management Area (WMA) in Flathead County, Montana. These said acres being in the northern portions of Section 21 and 22, T27N, R20W.



APPENDIX B: Use of Premise and Special Conditions

Rental Agreement Conditions:

In lieu of a cash rental payment the lessee agrees to terms and services as outlined below:

1. The Lessee agrees to:
 - a. Obtain approval from FWP staff regarding the type and location of crops prior to cultivation. Such crops may include but are not limited to wheat, barley, canola, peas and lentils.
 - b. Cultivate and harvest up to 80% of cultivated areas for their own possession and use.
 - c. Cultivate and leave standing 20% of cultivated areas for the benefit of wildlife as payment to FWP in locations predetermined by FWP staff.
 - d. Leave stubble standing until April 15 of each year.
 - e. Control weeds on cultivated areas using approved agricultural practices.
 - f. Commence work after April 15, unless otherwise negotiated.
 - g. Harvest crops prior to September 1, unless otherwise negotiated.
2. FWP agrees to:
 - a. Maintenance and repair of fences.
3. Any damage caused by the lessee would be his/her responsibility.